

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **Fountain Trailer Park Water System**
 Water System No. 1500461

TO: Barbara Gonzalez, Owner
 Fountain Trailer Park
 4696 Park Mirasol
 Calabasas, CA 91302

BY REGISTERED MAIL

**CITATION FOR NONCOMPLIANCE -- Water System No. 1500461
TOTAL COLIFORM MCL VIOLATION -- May 2011
Citation No. 03-19-13C-005**

Issued on April 22, 2013

STATEMENT OF FACTS

Fountain Trailer Park Water System (hereinafter Water System) is classified as a Community water system and serves a population of approximately 68 persons through 32 service connections. The Water System has one active source of supply, Well 01 (PS Code: 1500478-001) a 5,000-gallon pressure tank. No treatment is currently provided to the well water. The Water System operates under the authority of a domestic water supply permit No. 461, issued on May 3, 1971, by the Kern County Environmental Health Services Department. Water supplied by Well 01 is in ongoing violation of the arsenic MCL of 10 ug/L. As a long-term solution to the arsenic problem, the Water System is currently working on a Proposition 84 funding project to consolidate with the neighboring North Edwards Water District.

1 The Southern California Drinking Water Field Operations Branch, Division of
2 Drinking Water and Environmental Management, California Department of Public
3 Health (hereinafter "Department") is responsible for enforcing the Safe Drinking
4 Water Act and regulations promulgated pursuant thereto.

- 5
- 6 • The Fountain Trailer Park (hereinafter Water System) is required to collect one
7 routine bacteriological sample per month. Please refer to the Water System's
8 approved Bacteriological Sample Siting Plan (BSSP) or Table 64423-A
- 9 • One (1) routine bacteriological quality sample collected on May 25, 2011, from
10 the distribution system tested positive for total coliform bacteria.
- 11 • All four (4) repeat bacteriological quality samples collected on June 7, 2011,
12 from the distribution system tested positive for total coliform bacteria.
- 13 • One (1) repeat sample collected on June 7, 2011, from Well 01 (also counted
14 towards the Ground Water Rule's trigger source sampling requirement) also
15 tested positive for total coliform bacteria.
- 16 • **Fountain Trailer Park failed the total coliform maximum contaminant**
17 **level (MCL) for May 2011 [Section 64426.1(b)(1), *Authorities*].**
- 18 • **Repeat samples were not collected within 24 hours of being notified of the**
19 **positive result(s). [Section 64424(a), *Authorities*].**
- 20 • Five (5) routine samples collected on June 28, 2011, from the distribution
21 system tested negative for total coliform bacteria.
- 22 • None of the bacteriological quality samples collected in May 2011 or June
23 2011 from the distribution system or the system well, tested positive for *E.coli*
24 bacteria.
- 25
- 26
- 27

- 1 • On June 9, 2011, Wallace Hanks, Resident Park Manager of Fountain Trailer
2 Park notified the Department that the Water System failed the total coliform
3 MCL for May 2011.
- 4 • On July 7, 2011, a public notice and proof of notification were emailed to the
5 Water System for the May 2011 total coliform MCL failure.
- 6 • On July 8, 2011, the Department received signed and dated copies of the public
7 notice and proof of notification from the Water System. According to these
8 documents, public notification was completed on July 7, 2011.
- 9 • On July 7, 2011, an investigation report was emailed to the Water System for
10 the May 2011 total coliform failure.
- 11 • On July 21, 2011, the Department received a completed copy of the
12 investigation report in response to the May 2011 total coliform MCL failure
13 from the Water System.
- 14 • According to the investigation report, bacteriological contamination may have
15 been caused when the old pump in the well was replaced with a new pump.
16 The Water System provided emergency disinfection and flushing of the well
17 and distribution system in June 2011 to clear bacteriological contamination.
- 18 • All routine distribution and well bacteriological quality samples collected from
19 July 2011 – June 2012 tested negative for total coliform bacteria.
- 20 • One (1) routine monthly bacteriological quality sample collected on July 26,
21 2012, from the distribution system tested positive for total coliform bacteria.
- 22 • All four (4) repeat bacteriological quality samples collected on July 30, 2012,
23 from the distribution system, tested negative for total coliform bacteria.
- 24 • **No bacteriological sample (required by the Ground Water Rule) was**
25 **collected from Well 01.**
- 26 • The Water System did not fail the total coliform MCL for July 2012.
- 27

- 1 • At five (5) routine samples collected on August 22, 2012, tested negative for
- 2 total coliform bacteria.
- 3 • All routine distribution and well bacteriological quality samples collected from
- 4 September 2012 – January 2013 tested negative for total coliform bacteria.
- 5 • Results of all bacteriological samples collected from January 2011 to February
- 6 2013 are summarized in **Attachment A**.
- 7 • A review of the Department's records indicates that the Water System has not
- 8 been consistently collecting routine monthly bacteriological samples from the
- 9 distribution system, as required by Title 22, CCR. As shown in Attachment A,
- 10 Monthly routine samples collected on April 25, 2011, July 28, 2011, October
- 11 26, 2011, and November 19, 2012, were collected from Well 01 instead of
- 12 distribution system. The Water System must collect monthly routine samples
- 13 from the distribution system in accordance with its approved bacteriological
- 14 sample siting plan.

AUTHORITIES

Section 116577 of the CHSC, states in relevant part:

"(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section."...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

"(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

Section 116655 of the CHSC, states in relevant part:

"(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the department.

(3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(2) That purification or treatment works be installed."

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64424 establishes the repeat sampling requirements, and states in relevant part:

"(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the Department allow the collection of the repeat sample set over a four-day period.

(1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.

(2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within the 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the Department within 24 hours. The Department will then determine how much time the supplier will have to collect the repeat samples.

(b) When collecting the repeat sample set, the water supplier shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken. Other repeat samples shall be collected within five service connections upstream or downstream unless there is no upstream and/or downstream service connection.

(c) If one or more samples in the repeat sample set is total-coliform positive, the water supplier shall collect and have analyzed an additional set of repeat samples as specified in subsections (a) and (b). The supplier shall repeat this process until either no coliforms are detected in one complete repeat sample set or the supplier determines that the MCL for total coliforms specified in 64426.1 has been exceeded and notifies the Department.

(d) If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total-coliform positive(s), at least five samples shall be collected during the first month the system resumes operation. A water supplier may request the Department waive the requirement to collect at least five routine samples the following month, but a waiver will not be granted solely on the basis that all repeat samples are total coliform-negative. To request a waiver, one of the following conditions shall be met:

(1) The Department conducts site visit before the end of the next month the system provides water to the public to determine whether additional monitoring and/or corrective action is necessary to protect public health.

(2) The Department determines why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. If a waiver is granted, a system shall collect at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with 64426.1."

CCR, Title 22, Section 64426 establishes the significant rise in bacteriological count and states in relevant part:

"(a) Any of the following criteria shall indicate a possible significant rise in bacterial count:

(1) A system collecting at least 40 samples per month has a total coliform-positive routine sample followed by two total coliform-positive samples in the repeat sample set;

(2) A system has a sample which is positive for fecal coliform or E. coli; or

(3) A system fails the total coliform Maximum Contaminant Level (MCL) as defined in 64426.1.

(b) When the coliform levels specified in subsection (a) are reached or exceeded, the water supplier shall:

(2) Submit to the Department information on the current status of physical works and

operating procedures which may have caused the elevated bacteriological findings, or any information on community illness suspected of being waterborne. This shall include, but not be limited to:

- (A) Current operating procedures that are or could potentially be related to the increase in bacterial count;
- (B) Any interruptions in the treatment process;
- (C) System pressure loss to less than 5 psi;
- (D) Vandalism and/or unauthorized access to facilities;
- (E) Physical evidence indicating bacteriological contamination of facilities;
- (F) Analytical results of any additional samples collected, including source samples;
- (G) Community illness suspected of being waterborne; and
- (H) Records of the investigation and any action taken.”...

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

“(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1.”

DETERMINATIONS

Based upon the above Statement of Facts and Authorities, the Department determines that the Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(1): Specifically, the Water System violated the total coliform MCL for May 2011 when more than one sample collected, tested positive for total coliform bacteria.

2. CCR, Title 22, Section 64424(a): Specifically, during the month of May 2011, the Water System failed to collect repeat samples within 24 hours of notification by the contract laboratory.

The above violations are classified as non-continuing violations.

DIRECTIVES

Fountain Trailer Park Water System is hereby directed to take the following actions:

1. In the future, the Water System shall collect the required number of four (4) repeat samples within 24 hours of receipt of notification of a routine total coliform positive sample, from its contract laboratory.
2. In the future, the Water System shall collect the monthly routine bacteriological quality samples from the distribution system in accordance with the approved bacteriological sample siting plan.
3. In the future, the Water System shall comply with the Ground Water Rule's triggered source sampling requirement by collecting a bacteriological sample from Well 01 within 24 hours of receipt of notification of a routine total coliform positive sample from the distribution system.
4. By **May 3, 2013**, the Water System shall submit a written response outlining the steps taken to return to compliance and discontinue the activities that led to these violations.

- 1 5. Notify the Department within five business days of the date of service of this
2 Citation if the deadlines established by this Citation will not be met and
3 explain, in writing, the reason(s) for delay(s).
4
- 5 6. The Water System shall reimburse the Department, in accordance with an
6 invoice that shall be provided to the Water System, the costs for enforcement
7 activities, and such reimbursement shall be made prior to September 1 (or by a
8 different date if specified by the Department) of the fiscal year following the
9 fiscal year in which such costs are incurred as described in CHSC Section
10 116577(a)(1-2) and 116577(b).
11
- 12 7. Any document requested by the citation shall be submitted to the following
13 address:
14

15 Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer
16 Department of Public Health
17 Southern California Branch
18 Drinking Water Field Operations
19 4925 Commerce Drive, Suite 120
20 Bakersfield, CA 93309

21 Phone: (661) 335-7315
22 Fax: (661) 335-7316
23

24 FURTHER ENFORCEMENT ACTIONS

25 Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the
26 Department to: issue additional citations with assessment of penalties if the public
27 water system continues to fail to correct a violation identified in a citation; take action
to suspend or revoke a permit that has been issued to a public water system if the

1 system has violated applicable law or regulations or has failed to comply with orders
2 of the Department; and petition the superior court to take various enforcement
3 measures against a public water system that has failed to comply with orders of the
4 Department. The Department does not waive any further enforcement action by
5 issuance of this citation.

6 7 **PARTIES BOUND**

8 This citation shall apply to and be binding upon Fountain Trailer Park Water System,
9 its officers, directors, agents, employees, contractors, successors, and assignees.

10 11 **SEVERABILITY**

12 The directives of this citation are severable, and Fountain Trailer Park Water System
13 shall comply with each and every provision thereof, notwithstanding the effectiveness
14 of any other provision.

15 16 **CIVIL PENALTY**

17 Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil
18 penalty for the failure to comply with the requirements of the Safe Drinking Water
19 Act. Failure to comply with any Directive of this Citation may result in the
20 Department imposing an administrative penalty of not less than \$200 (two hundred
21 dollars)for each day that the violation continues beyond the date set for correction in
22 this Citation.

The Department does not waive any further enforcement action by issuance of this citation, and expressly reserves the right to issue a citation with penalties for the violations on which the Directives of this citation are based.

April 22, 2013
Date

Jaswinder S. Dhaliwal
Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Tehachapi District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachments

Attachment A: Bacteriological Summary January 2011 through February 2013

cc: Kern County Environmental Health Services Department (w/o attachment)
Wallace Hanks, Resident Park Manager, Fountain Trailer Park

JSD/kre/ak

ATTACHMENT A

Fountain Trailer Park Water

1500461

Distribution System Freq: 1/M

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
1/25/2011	14:30	Routine Sample	A	A		Routine		MR4	Enforcement letter 03-19-11E-024 issued 6/17/2011.
2/28/2011	14:30	Routine Sample	A	A		Routine			
3/23/2011	14:30	Routine Sample	A	A		Routine			
4/25/2011	14:30	Well 01	A	A		Routine			
5/25/2011	13:30	Routine Sample	P	A		Routine		MCL	Cit# 03-19-13C-005 Issued.
6/7/2011	14:30	Routine Sample	P	A		Repeat		MR5	Repeat samples not collected within 24 hours.
6/7/2011	14:30	Space #1	P	A		Repeat			
6/7/2011	14:30	Space #16	P	A		Repeat			
6/7/2011	14:30	Space #19	P	A		Repeat			
6/7/2011	14:30	Space #31	P	A		Repeat			Samples collected 6/7/2011 (repeats) will apply to May. Citation No. 03-19-13C-005 issued.
6/28/2011	14:00	#1	A	A		Routine			
6/28/2011	14:00	#16	A	A		Routine			
6/28/2011	14:00	#19	A	A		Routine			
6/28/2011	14:00	#31	A	A		Routine			
6/28/2011	14:00	Routine Sample	A	A		Routine			
7/18/2011	12:00	Well 01	A	A		Routine			Well sample will count as routine sample; April 2013 citation includes directive to collect monthly samples from the distribution system.
8/29/2011	12:30	Monthly Bacti	A	A		Routine			
9/26/2011	14:00	Monthly Bacti 6	A	A		Routine			
10/26/2011	11:30	Well 01	A	A		Routine			
11/29/2011	11:00	Monthly Bacti	A	A		Routine			
12/13/2011	10:00	Monthly Bacti	A	A		Routine			
1/23/2012	9:00	Monthly Bacti Well	A	A		Routine			
2/1/2012		No Sample						MR1	Enforcement letter 03-19-12E-017 issued on April 20, 2012.
3/29/2012	12:00	Monthly Bacti	A	A		Routine			
4/30/2012	12:30	Monthly Bacti	A	A		Routine			
5/1/2012		No Sample						MR1	Enforcement letter 03-19-12E- 023 issued on July 20, 2012.
6/6/2012	12:30	Monthly Bacti	A	A		Routine			
7/26/2012	12:10	Monthly Bacti	P	A		Routine			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
7/30/2012	12:30	#20	A	A		Repeat			
7/30/2012	12:30	#27	A	A		Repeat			
7/30/2012	12:30	#5	A	A		Repeat			
7/30/2012	12:30	Office	A	A		Repeat			
7/30/2012	12:30	Well/Monthly Bacti	A	A		Source			
8/22/2012	12:30	#1	A	A		Routine			
8/22/2012	12:30	#26	A	A		Routine			
8/22/2012	12:30	#31 (B)	A	A		Routine			
8/22/2012	12:30	#7	A	A		Routine			
8/22/2012	12:30	Well 01	A	A		Routine			Sample counts towards 5 routine.
9/19/2012	12:30	Monthly Bacti Sam	A	A		Routine			
10/17/2012	12:30	Monthly Bacti Sam	A	A		Routine			
11/19/2012	12:00	Well 01	A	A		Routine			
12/12/2012	13:30	Office/ Laundry	A	A		Routine			
1/22/2013	13:30	Sample Site #7	A	A		Routine			
2/20/2013	12:30	Monthly Bacti Sam	A	A		Routine			

Fountain Trailer Park Water

1500461

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
1/25/2011	14:30	Well 01	A	A			
4/25/2011	14:30	Well 01	A	A			
6/7/2011	14:30	Well 01	P	A			
6/28/2011	14:00	Well 01	A	A			
1/23/2012	9:00	Well 01	A	A			
8/22/2012	12:30	Well 01	A	A			
